

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

FEB 02 2018

Clerk, U S District Court
District Of Montana
Billings

IN RE: NIKITA OZKAN,

CV 17-77-BLG-SPW

ORDER ADOPTING
FINDINGS AND
RECOMMENDATIONS

Before the Court are United States Magistrate Judge Timothy Cavan's Findings and Recommendations filed on January 24, 2018. (Doc. 13). Judge Cavan recommends that this Court dismiss this matter for failure to state a claim. (*Id.* at 4).

Pursuant to 28 U.S.C. § 636(b)(1), the parties were required to file written objections within 14 days of the filing of Judge Cavan's Findings and Recommendations. No objections were filed.¹ When neither party objects, this Court reviews Judge Cavan's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313

¹ Plaintiff Nikita Ozkan filed a 61 page untitled document, the first page of which is Judge Cavan's Notice of Right to Object. (Doc. 14). The document does not object to Judge Cavan's Findings and Recommendations. Instead, it provides various pages of unintelligible writing and copied pages. (*See gen Doc. 14*). After diligently reviewing the document, the Court did not discover any intelligible objections.

(9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendations, this Court does not find that Judge Cavan committed clear error.

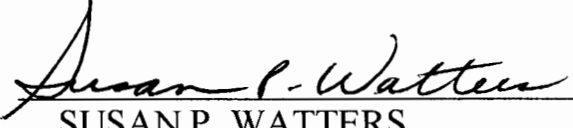
IT IS ORDERED that the proposed Findings and Recommendations entered by United States Magistrate Judge Cavan (Doc. 13) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that this matter is DISMISSED for failure to state a federal claim. The Clerk of Court shall close this matter and enter judgment in favor of Defendant pursuant to Rule 58 of the Federal Rules of Civil Procedure.

The Clerk of Court shall also have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure any appeal of this decision would not be taken in good faith. No reasonable person could suppose an appeal would have merit. The record makes plain the Complaint lacks arguable substance in law or fact.

The Clerk of Court shall also have the docket reflect that this dismissal counts as a strike pursuant to 28 U.S.C. § 1915(g) because Ozkan failed to state a claim upon which relief may be granted.

DATED this 2nd day of February, 2017.


SUSAN P. WATTERS
United States District Judge